



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.              |
|---|-------------|----------------------|---------------------|-------------------------------|
| 09/718,369  | 11/24/2000  | Hanns G. Klotz       | 031683.0003         | 3067                          |
| 26118   | 7590        | 08/04/2004           |                     |                               |
| BROBECK, PHLEGER & HARRISON, LLP<br>ATTN: INTELLECTUAL PROPERTY DEPARTMENT<br>1333 H STREET, N.W. SUITE 800<br>WASHINGTON, DC 20005 |             |                      |                     | EXAMINER<br>BOS, STEVEN J     |
|   |             |                      |                     | ART UNIT<br>1754 PAPER NUMBER |

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 09/718,369      | KLOTZ ET AL. |
|                              | Examiner        | Art Unit     |
|                              | Steven Bos      | 1754         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 14-21 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13, drawn to a process, classified in class 423, subclass 619.
- II. Claims 14-21, drawn to an apparatus, classified in class 422, subclass 187.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used for a different process such as a precipitation process.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Laurence Posorske on January 27, 2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 14-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

The disclosure is objected to because of the following informalities: on pg. 6, line 28, each occurrence of "pa" should be – Pa --.

Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 7-8, "said lead containing lead oxide" lack(s) proper antecedent basis in the claim(s).

In claim 1, line 16, "the particles of lead" lack(s) proper antecedent basis in the claim(s).

In claim 1, line 17, "said resultant, still reacting mixture" lack(s) proper antecedent basis in the claim(s).

In claim 1, lines 20-21, "said resultant still reacting mixture" lack(s) proper antecedent basis in the claim(s).

In claim 1, line 30, "said outlet section (6)" lack(s) proper antecedent basis in the claim(s).

In claim 1, lines 32-33, "said introduced first and second mixture of feedstock material" lack(s) proper antecedent basis in the claim(s).

In claims 2-13, each occurrence of "whereby" is awkward and confusing and should be replaced with --wherein--.

In claim 2, "the reactor" lack(s) proper antecedent basis in the claim(s). It appears that --loopreactor-- was intended.

In claim 6, "the mixture of said feedstock material and said first gaseous fluid" lack(s) proper antecedent basis in the claim(s).

In claim 7, "the mixture of said feedstock material and said first gaseous fluid" lack(s) proper antecedent basis in the claim(s).

In claim 8, "the volume ratio of said mixture of said feedstock material and said first gaseous fluid" lack(s) proper antecedent basis in the claim(s).

In claim 10, "the volume ratio of the combined volume of said mixture of said feedstock material and said first gaseous fluid" lack(s) proper antecedent basis in the claim(s).

In claim 10, "0,1" is indefinite and confusing; it appears that -- 0.1 -- was intended.

Claim 11 is ungrammatical and it appears that it was intended to insert -- said -- before "second".

In claim 12, "the feedstock material within the reactor" lack(s) proper antecedent basis in the claim(s).

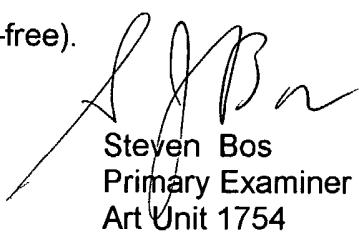
In claim 13, "the reactor" and "the solid feedstock material" each lack(s) proper antecedent basis in the claim(s).

Claims 1-13 appear to be allowable over the cited prior art of record, none of which teaches or suggests the instantly claimed combination of process steps.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Bos whose telephone number is 571-272-1350. The examiner can normally be reached on M-F, 8AM-6PM but is on increased flexitime sch.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Steven Bos  
Primary Examiner  
Art Unit 1754

sjb